

CITY OF MIAMI BEACH  
Office of the City Manager  
Letter to Commission No. 231-2004

---



**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** August 27, 2004

**From:** Jorge M. Gonzalez  
City Manager

A handwritten signature in black ink, appearing to read "Jorge".

**Subject:** **Preliminary Response to Draft Report – Office of the Inspector General (OIG), Review of the Upcoming August 31, 2004, Primary Election**

---

Attached for your information is the preliminary response from Constance A. Kaplan, Supervisor of Elections, dated August, 24, 2004, regarding the Office of the Inspector General's review of the upcoming August 31, 2004, Primary Election.

JMG\REP

RECEIVED  
04 AUG 27 AM 10:57  
CITY CLERK'S OFFICE

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** August 24, 2004  
**To:** George M. Burgess  
County Manager  
**From:** Constance A. Kaplan  
Supervisor of Elections *Constance J. Kaplan*  
**Subject:** Preliminary Response to Draft Report – OIG Review of the  
Upcoming August 31, 2004, Primary Election

---

The Elections Department has reviewed and analyzed the Inspector General's Draft Review of the Upcoming August 31, 2004, Primary Election. In past elections, the Office of the Inspector General (OIG) has provided invaluable input and suggestions that have become integrated into our operations. Similarly, we look forward to continuing that relationship and, wherever feasible, implementing these recommendations as soon as possible.

The comprehensive Review provides a number of observations and recommendations, grouped into six principle categories: Training; Absentee Ballots; Delivery, Securing and Pick-up of the Voting Equipment; Post-Election Auditing, Audit Data and Audit Analysis; and Parallel Testing. In this Memorandum, we respond to these six categories of recommendations, along with many of the sub-categories contained therein.

## **RESPONSES TO AREAS OF REVIEW AND RECOMMENDATIONS**

### **1. Voting Equipment**

**Recommendation:** None, an assessment only.

**Response:** The Department is in agreement with the OIG's observations and conclusions.

### **2. Training**

**Recommendation:** As it relates to Miami-Dade County employees who will serve in the Election Specialist (ES) capacity on August 31, 2004, County management is recommended to urge those employees to attend a refresher course next week. For those County employees who have not previously worked an election, the OIG recommends that attending a refresher course be mandatory.

**Response:** Today you sent the following message, via electronic mail, to all Election Specialists in an effort to make additional training available:

**From:** County Manager (CMO)  
**Sent:** Tuesday, August 24, 2004 9:29 AM  
**To:** (Election Specialists)  
**Cc:** (MetroNet) Department Directors; (CMO) Assistant County Managers; (CMO) Assistants to the County Manager; Mazzella, Christopher (OIG)  
**Subject:** Additional Elections Specialist Training

***I would like to take this opportunity to thank all of you for your commitment and hard work to ensure a successful August 31st Election. At this time, the County's number one priority is to conduct a flawless Election. As an Elections Specialist, you play an integral role in the accomplishment of this goal. I have asked the Elections Supervisor to coordinate a training session for all Elections Specialist who would like a review of pre-Election night set-up or/and Elections Day procedures. The sessions will be offered at the Elections Building beginning August 23rd through August 27th from 8:30am to 4:30pm. Elections Specialists are welcomed to stop by at anytime to receive individual training during these sessions.***

***As an Elections Specialist you are expected to be fully knowledgeable on all procedures. If you feel that you need additional training, it is mandatory that you take advantage of this training. Please contact Natalie Sarmiento 305-499-8314 if you have additional questions.***

***Again, I want to thank all of you for your hard work and dedication to the Elections and Miami-Dade County.***

For the November 2, 2004, election cycle, the Elections Department will fully implement the OIG's recommendation to mandate refresher training for all ESs who have not previously worked an election, rather than for only ESs in that category who feel that they need additional training. Additionally, I would emphasize that the precinct-level ESs are not the only County support provided to our pollworkers, but rather a first level of support. If an ES cannot fully resolve an issue, he or she calls one of our 110 Administrative Troubleshooters (ATS). These individuals, many of whom have provided election support for years, will address any unresolved issues and, in rare instances when they are unable to do so, they will elevate those issues to the highest levels of Election Department's administration for prompt resolution.

### **3. Absentee Ballots**

#### **Recommendations:**

- A. Seasonal employees assigned to the absentee ballot (AB) division could benefit from a written procedures manual that is current on the given election cycle, includes all the various functions within the AB division, and includes written guidelines, criteria or even illustrative examples on the acceptance/rejection of AB signatures.

**Response:** The Elections Department is currently reviewing and updating established AB procedures to conform to recent legislative changes. Incorporated therein are signature verification procedures that are being developed based on standard industry practices. We anticipate completion of these procedures in time to be utilized in conducting a structured training of AB seasonal staff prior to the November election. These procedures will pertain to all AB duties.

- B. The Elections Department should consider obtaining expert assistance to help guide AB division staff in its verification of AB signatures.

**Response:** The Elections Department has communicated with the Miami-Dade Police Department and, as a result, has contracted with a Forensic Document Examiner who specializes in handwriting analysis. Beginning Wednesday, August 25<sup>th</sup>, the examiner will be on

site and available to provide training to absentee ballot section employees. The examiner will also be available to the Canvassing Board to resolve signature verification issues.

- C. The Elections Department should implement an inventory process that requires the logging out of blank absentee ballots prior to assembly for mailing. The Elections Department should also reconcile the number of ballots received, counted or rejected against the number of ballots mailed out, the remaining blank ballots, and the number of voters who voted at the polls but did not return that blank AB ballot. Any suspicious patterns should be further investigated to ensure the absence of AB fraud.

**Response:** The Elections Department will be establishing the recommended inventory control procedures for the November election. Staff will be permanently assigned to the AB cage to manage distribution and accountability for Absentee Ballots. With respect to the reconciliation of ballots received, counted or rejected against the number of ballots mailed out, the remaining blank ballots, and the number of voters who voted at the polls but did not return that blank AB ballot, the Department already tracks the number of ballots mailed, number of ballots returned and, within that number, the number counted or rejected. The Department does not currently account separately for absentee ballots cancelled where the Department regains custody of the ballot and ballots cancelled where the Department does not regain custody (i.e., when a voter has been issued an absentee ballot but votes at an Early Voting site or polling place after the Department verifies that the absentee ballot has not been returned and that ballot is cancelled.) We are aware of the issues surrounding absentee balloting and agree that the Department should do whatever is possible, within the latitude granted to us by Florida Statute, to ensure the integrity of this process. As such, we are studying the OIG's recommendations and will implement them to the extent possible for the November election cycle.

#### **4. Delivery, Securing, and Pick-up of the Voting Equipment**

**Recommendation:** The OIG is concerned over the securing of the voting machines, particularly after the polls close on Tuesday night through to the time that they are picked up beginning the following day. We recommend that the Elections Department reassess overnight security measures afforded to the various facilities. For instance, it may be necessary to buttress security at particular locations by posting security personnel. Each location should be assessed on its own merits, taking into consideration the public/private nature of the building, attendant personnel already on site (e.g., public employees, firefighters, school police, etc.) and the presence/utilization of operable alarm systems.

**Response:** The Elections Department has recently re-surveyed all of our polling locations in order to update contact information and security levels. Based on that analysis, we are confident that we have provided an appropriate approach to securing our election equipment. All results are collected from IVotronic units on election night, and if necessary, results can be recollected from a unit before tabulation is complete. A process in place at collection centers identifies potential issues with data extracted from IVotronics *before* personnel at the polling locations leave those locations. An Inspector and the Poll Deputy remain at the polling place until voting totals for the precinct are confirmed and those individuals are released. The Department maintains emergency contact numbers for all locations in case emergency access to the sites is needed.

As an additional measure, the Department has met with the Miami-Dade Police Department (MDPD), and they will provide security to polling locations by utilizing "directed patrols," or roving patrols. Officers will be assigned territories containing precincts that they will check several times during their shifts. MDPD will provide this service in both municipalities and

unincorporated Miami-Dade County. Directed patrols will take place during two time periods: from August 30<sup>th</sup> at 6 p.m. (after units are opened and locked) until August 31<sup>st</sup> at 6:30 a.m. (when pollworkers have arrived), and from August 31<sup>st</sup> at poll closing through September 1<sup>st</sup>, when equipment is picked up.

#### **5. Post-Election Auditing, Audit Data and Audit Analysis**

**Recommendation:** the OIG recommends that an Election Audit Committee be created, which would be responsible for overseeing the planning and implementation of these or other procedures, such as those listed above, and for reviewing post-parallel testing results. Similar to an audit committee of a governmental board or corporation's board of directors, the Election Audit Committee can be a sounding board to discuss audit objectives, approaches, time constraints, and scope. The Committee should form, or at least directly participate in the formation of, a workable audit plan and the Committee could be instrumental in garnering the public's confidence that Miami-Dade County is doing all that we can to ensure the integrity of the electoral process.

**Response:** The County Manager has directed Cathy Jackson, Director of Audit Management Services (AMS), to conduct an analysis of post-election audit data for elections from 2002 and 2003 and all future elections. My staff will provide valuable input, support and cooperation for that important task. Following the August 31, 2004, election, the Department will study the feasibility of utilizing an even broader Election Audit Committee, as recommended by the OIG. I am confident that AMS, under the direction of Ms. Jackson and with the support of the Elections Department, can provide the level of analysis that the OIG desires and Miami-Dade voters deserve.

#### **6. Parallel Testing**

**Recommendation:** All possibilities to conduct parallel testing should be explored. The County may want to consider a test plan comprising of both controlled testing (trained voters) and involving public participation for November 2, 2004. As a parallel testing plan involving "real" voters has not been done before, Miami-Dade County may want to implement this portion of the plan on a pilot test basis.

**Response:** AMS is also working with my staff to develop plans for parallel testing for the November election. These plans will require approval from the Florida Department of State. In fact, we recently examined the feasibility of implementing parallel testing for even the August election. However, the State expressed concerns regarding doing such testing on even a very limited scale based on the short timeframe and State legislation that requires election security procedures to be submitted to the State 45 days prior to Election Day. Given that requirement, our plans will be finalized by September 18, 2004.

I believe that these responses are comprehensive, they are by no means exhaustive. We are studying and attempting to implement many of the OIG's other recommendations contained within the broad categories addressed here. Among those recommendations is that employees of the County's vendor, Election Systems and Software (ES&S), wear shirts clearly identifying them as such. This is one of a number of recommendations that will be integrated into our operation going forward.

The Election Department continues to improve, because of the hard work the Department's own employees are performing, as well as important, objective, external analyses and input. Foremost among those independent voices has always been the OIG, and I know our Department – and, by

extension, our County – will benefit from this latest Review and the steps we take to implement its recommendations.

cc: Alina Tejeda Hudak, Assistant County Manager